

REMARKS/ARGUMENTS

After the foregoing Amendment, claims 1-14 are currently pending in this application. Claims 1-10 and 12-14 have been amended to more distinctly claim subject matter which the Applicants regard as the invention. The Applicants submit that no new matter has been introduced into the application by these amendments.

Double Patenting Rejection

Claims 1, 4, 7 and 13 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 7 and 10-12 of U.S. Patent No. 6,909,901. A Terminal Disclaimer is submitted herewith to overcome a potential nonstatutory obviousness-type double patenting rejection. The withdrawal of the nonstatutory obviousness-type double patenting rejection is respectfully requested.

Claim Rejections - 35 USC §103(a)

Claims 1-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ward et al. (U.S. Patent No. 5,701,294) in view of Hashem et al. (U.S. Patent No. 6,721,569).

Claims 1-10 and 12-14 have been amended to more distinctly claim subject matter which the Applicants regard as the invention.

In accordance with the present invention, data transmission is optimized in a wireless digital communication system including a base station and a plurality of user equipment mobile terminals (UEs)/wireless devices. A first subset of the UEs/wireless devices have pending downlink transmissions and a second subset of the UEs/wireless devices do not have pending downlink transmissions. The base

station receives blocks of downlink data for distribution to the plurality of UEs/wireless devices in the first subset. The base station transmits to at least one of the UEs/wireless devices in the first subset a request to begin downlink channel quality measurements. The base station does not transmit a request to begin downlink channel quality measurements to the UEs/wireless devices in the second subset due to not having pending downlink transmissions. Each of the designated UEs/wireless devices in the first subset measure and report the downlink channel quality to the base station. The base station transmits a downlink physical channel allocation signal to each of the UEs/wireless devices in the first subset, and the base station transmits the downlink data to the UEs/wireless devices in the first subset in accordance with the downlink physical channel allocation signal.

Neither of Ward and Hashem, alone or in combination, teach or suggest restricting the transmission of channel quality measurement requests to only those UEs/wireless devices that have pending downlink transmissions. The present invention uses this technique in order to avoid unnecessary channel quality measurements performed by the UEs/wireless devices and also avoid unnecessary channel quality measurement requests transmitted by the base station.

Based on the arguments presented above, the withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

Applicant: Terry et al.
Application No.: 10/768,313

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1-14, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Terry et al.

By Scott Wolinsky
Scott Wolinsky
Registration No. 46,413

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103
Telephone: (215) 568-6400
Facsimile: (215) 568-6499

SW/bbf
Enclosure